

## ZONING AGAINST PEOPLE

Rejoinder comments by Ernest Erber, Area Director, New Jersey Committee, Regional Plan Association, on the theme of "Social Upheaval - - Planning 1968", at

"Day and a Half of Planning", sponsored by the  
New Jersey Federation of Planning Officials, Atlantic City, Nov. 21-22, 1968\*

There are many rejoinder comments to be made; I will focus on a single issue related to our morning's subject of "social upheaval", viz. suburban zoning.

What I am about to say, I have said previously in different ways and in different contexts. But I have looked for this occasion, and this audience, to say it bluntly; because those assembled here today are in a position to do something to change at least one set of current practices that contribute to the social upheaval of our time.

I have been involved in the planning process in New Jersey for some twenty years, and I have contributed my share of suburban zoning and subdivision regulation, and I am not proud of what came of some of it. I do not seek, therefore, to point a finger and allocate blame, but rather to indict a process. I charge the suburban planning process with being an unspoken conspiracy against people - - specifically those earning less than the median for the suburb in question, largely the non-white, and the unborn of all races. There are very few of us in this hall who are not involved in the perpetuation of this conspiracy.

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\*The main address was given by Mayor Lawrence F. Kramer of Paterson. Other speakers and panelists were Honorable S. Howard Woodson, Minority Leader, New Jersey General Assembly; B. Budd Chavooshin, Deputy Commissioner, Department of Community Affairs; Alvin E. Gershen, President State Board of Professional Planners; William F. Gillette, Past President of the NJFPO; Arthur A. Goldberg, Deputy Attorney General, New Jersey; and Paul Giblin, Counsel to United Automobile Workers Union.



We are using planning tools to erect a wall against those with lower incomes without realizing that the devices used to exclude the stranger from our midst, also deprive our children and grandchildren of living space in this state. We are zoning the unborn generations into the Atlantic Ocean.

No one zones against people with malice aforethought. Local planning boards are manned by decent, civic-minded men and women who seek to do no one harm when they act to protect the local ratable base by requiring acreage lot sizes, by excluding multi-family housing (or limiting it mainly to one-bedroom units), by specifying unreasonably large minimum floor area requirements, by excluding low-rent public housing and state-assisted middle-income housing, by requiring builders to install unnecessarily costly local improvements, and by other devices to keep out moderately-priced housing - - whether sale or rental.

I know that the defense for these practices is to plead extenuating circumstances; namely, that to do otherwise is to invite a sharp tax rise, if not municipal bankruptcy. This usual defense of fiscal zoning would be understandable if one observed those making this defense seeking to impress upon the Legislature the need to change our tax policy to relieve them of the need for fiscal zoning. However, the opposition that delayed the coming of a broad-base tax these many years was not rooted in the cities. It came from the middle class and upper class suburbs. The need to increase the broad-base tax, especially by resort to an income tax, is now resisted by the same forces. Our tax policy continues to rest most heavily on the property tax. It should by now be common knowledge that real estate taxes in New Jersey are the highest in the nation, while the State's revenues, compared to average personal income, are among the lowest in the nation. You cannot defend that iniquitous tax system and then use its existence as the excuse for zoning against people.



The connection between zoning against those of lower income and the social upheaval in the cities should be obvious. To make sure that it is, let me conclude by citing these current conditions:

1. Fully 3/4 of all vacant land in New Jersey's nine Northeastern counties is zoned for minimum lot sizes of 1/2 acre and upward, with much in one acre and two acre zones, according to a Regional Plan Association study. As a result, we are using more land to house fewer people at a time when the pressure of people in search of living space has been the greatest in our history.

2. Meanwhile, industry moves increasingly to suburban locations. The United States Department of Labor's monthly publication carried an article recently, "The Decentralization of Jobs - - Job Opportunities Multiply in the Suburbs, Out of Reach of the City-Center Poor." The author states that, "One of the prime causes of this failure to match available jobs with available personnel is the movement of new jobs into the suburbs and out of large central cities. It is in these cities that unemployment, underemployment, and poverty are greatest." (Monthly Labor Review, May 1967)

3. With all these jobs open in suburban industry, one would believe that enterprising builders would be busily building housing for the employees and potential employees of such industries. But current land control practices have reduced the volume of construction, even for families with incomes over \$10,000 per year, as reported in the New York Times (9/18/67) under the heading "Housing Scarcity Felt in Suburbs". High interest rates are now added to the high cost of land to reduce the number of those who can afford to rent in the suburbs.



In conclusion, I wish to state that the "social upheaval" in the cities is compounded of many factors, of which suburban zoning against people is only one. But it happens to be one about which those assembled within the sound of my voice can do something, if they so choose.

If they choose not to act, the situation will reach a crisis and it will be changed from above. You have disinherited too many people. They now constitute a majority in this State. When they come to identify the source of their housing problem, they will elect a Legislature that will rewrite the rules, and the power to zone at the local level unilaterally will be taken from you.

I do hope, after these remarks, that I still have a few suburban friends. If not, perhaps there are some poor people present. After all, I would like to go to lunch with someone. It's comforting to look forward to being memorialized by those yet unborn, but it is a rather grim satisfaction compared to the pleasure of working with contemporaries.